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13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

15 CLRB HANSON INDUSTRIES, LLC d/b/a
16 INDUSTRIAL PRINTING, and HOWARD
17 STERN, on behalf of themselves and all others
18 similarly situated,

19 Plaintiffs,

20 v.

21 GOOGLE, INC.,

22 Defendant.

CASE NO. C O5-03649 JW

**DECLARATION OF M.
CHRISTOPHER JHANG IN SUPPORT
OF DEFENDANT GOOGLE INC.'S
RESPONSE TO PLAINTIFFS'
MOTION TO ENLARGE TIME**

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DECLARATION OF M. CHRISTOPHER JHANG IN SUPPORT
OF DEFENDANT GOOGLE INC.'S RESPONSE TO
PLAINTIFFS' MOTION TO ENLARGE TIME
CASE NO. 05-03649

1 I, M. Christopher Jhang, declare as follows:

2 1. I am an attorney duly licensed to practice law in all of the courts of the State of
3 California and this Court, and am an attorney with the law firm of Perkins Coie LLP, attorneys
4 of record herein for defendant Google Inc. ("Google"). I have personal knowledge of the facts
5 set forth below except as to those matters stated on information and belief, and as to those
6 matters, I believe them to be true. If called upon to testify, I could and would testify competently
7 as to the matters set forth therein.

8 2. Pursuant to an agreement between the parties, the deposition of plaintiff Howard
9 Stern is scheduled to occur on August 16, 2006, at 11:00 a.m., in New York, and the deposition
10 of Brett Hanson, the representative for plaintiff CLRB Hanson Industries, is scheduled to occur
11 on August 18, 2006, at 9:30 a.m., in New York.

12 3. On August 2, 2006, I responded to an email from plaintiffs' counsel, Michele
13 Raphael, claiming that Google had not complied with paragraph 2 of the Court's June 27, 2006
14 Order Following Case Management Conference ("Order"), which provides that Google shall
15 submit a sworn statement that it has turned over all documents describing the terms and
16 conditions of the AdWords agreement. I informed Ms. Raphael that Google has satisfied this
17 requirement through the filing of its declaration, its amended declaration, and its production of
18 documents to plaintiffs. I further informed Mr. Raphael that Google has produced all documents
19 called for under the Order and that it has satisfied its document production obligations. Attached
20 hereto as Exhibit A is a true and correct copy of this email exchange.

21 4. I am informed and believe that, immediately following the issuance of the Order,
22 Google searched its archives and retrieved all versions of the AdWords Frequently Asked
23 Questions ("FAQs"), from July 2002 to present, which appeared on the AdWords website, in
24 order to provide a thorough and responsive document production to plaintiffs.

25 5. On August 3, 2006, I received an email from Ms. Raphael stating, among other
26 things, that plaintiffs were going to seek a continuance of the partial summary judgment hearing
27 date. There was no statement in this email of when plaintiffs intended to file their motion to

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1 enlarge time. On the following day, August 4, 2006, I informed Ms. Raphael by email that the
2 lead attorney for Google was out of the country and on a plane, and that I would respond to her
3 email "early next week." Attached hereto as Exhibit B is a true and correct copy of this email
4 exchange.

5 6. On the following Tuesday, August 8, 2006, plaintiffs filed their motion before I
6 had responded to Ms. Raphael's email and without making any attempt to obtain a stipulation
7 with Google for their requested time change. On that same day, I sent Ms. Raphael an email
8 informing her that Google would have stipulated to the continuance of the hearing date and I
9 requested that plaintiffs withdraw their motion and prepare a stipulation and proposed order to
10 file with the Court in its place. Attached hereto as Exhibit C is a true and correct copy of my
11 August 8, 2006 email to Ms. Raphael.

12 7. On August 9, 2006, I received an email response from Ms. Raphael wherein she
13 refused to withdraw plaintiffs' motion and indicated that plaintiffs would enter into a stipulation
14 only if it included plaintiffs' discovery complaints and matters that were either previously
15 decided by this Court or unrelated to plaintiffs' continuance request. Attached hereto as Exhibit
16 D is a true and correct copy of Ms. Raphael's August 9, 2006 email.

17 I declare under penalty of perjury under the laws of the State of California and the United
18 States that the foregoing is true and correct.

19 Executed this 11th day of August, 2006, at San Francisco, California.

20 /S/

21 M. Christopher Jhang
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